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27 or Claim 28, wherein the graft copolymer (B) added to the copolymer (A) is in a semi-melt or melt state.

REMARKS

The claims have been amended according to the revised format described in the notice published in the OG notice dated February 25, 2003. The amendments are described below in conjunction with the rejections made in the Action.

Applicants affirm the election of the subject matter of claims 10-18 and 21 for prosecution in this application. This election is made without traverse with the understanding that applicants' rights under 35 U.S.C. § 120 and 35 U.S.C. § 121 to the filing of a divisional application directed to the non-elected subject matter are preserved.

The claims have been amended to overcome the 35 U.S.C. § 112, second paragraph, ground of rejection made in the Action. The claims as amended have proper antecedent basis for the claim terminology, do not include the terminology identified in the Action as rendering the claims indefinite and otherwise avoid the bases for rejection. It is noted that the amendments to claims 10

and 21 are supported in the specification disclosure, *inter alia*, in the paragraph bridging pages 15 and 16.

New claims 22-29 have been added to the application. New claim 22 corresponds to claim 10 but omits the limitation "and containing (a5) substantially no unsaturated carboxylic acid monomer other than the unsaturated carboxylic acid alkyl ester monomer (a2)". This embodiment is supported on page 18, lines 14 to 21, and on page 27, line 22 to page 28, line 7. Similarly, new claim 23 corresponds to claim 21 but omits the limitation "and containing (a5) substantially no unsaturated carboxylic acid monomer other than the unsaturated carboxylic acid alkyl ester monomer (a2)".

The claims as amended are believed to be patentable under 35 U.S.C. § 102 and 35 U.S.C. § 103(a) over the prior art and, particularly, over the Owens reference, U.S. Patent No. 3,843,753, cited in the Action in the rejection under 35 U.S.C. § 103(a).

Regarding the 35 U.S.C. § 103(a) rejection, the Office does not explain why the steps of the method recited in claims 10-18 and 21 of the application are disclosed (expressly or inherently) in the Owens reference or would be obvious from the reference. The

comments in the Action are directed to the composition disclosed by Owens and its relationship to the composition of the present invention. The Office appears to be taking the position that the composition of Owens differs from the composition of the present invention only with respect to the acid value of the acetone soluble resin component (refer to page 5, line 3 from the bottom of the page, to page 6, line 12), but such difference is not relevant to and does not support the obviousness of the method claimed in the present application within the meaning of 35 U.S.C. § 103(a). For this reason, the rejection is improper and should be removed.

Moreover, the data in the application demonstrate the materiality of the acid value limitation in the method of the present invention. Compare, for example, the properties (Izod impact strength and tensile strength) of the resin obtained in Comparative Example 1 to those of the resins obtained in Examples 1 - 12 (see Table 4-2) and the properties (transparency and color tone) of the resin obtained in Comparative Example 2 to those of the resins obtained in Examples 1 - 12 (see Table 4-2).

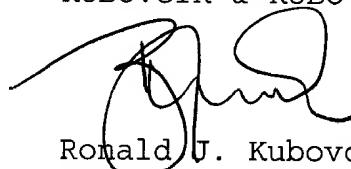
The foregoing is believed to be a complete and proper response to the Office Action dated September 27, 2002, and is believed to

place this application in condition for allowance. If, however, minor issues remain that can be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number indicated below.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

A check in the amount of \$336.00 for the fee for excess independent claims (4) added to the application by the above amendments is enclosed with this response. In the event any additional fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,  
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